IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17782 of 2004

Between:

Smt.N.Sowmya, w/o N.Badrinath,
r/o 13-2-108, R.C.Nagar Extension,

Anantapur, Anantapur District.

..... PETITIONER

AND

Regional Transport Officer & Secretary,

Regional Transport Authority,
Anantapur, Anantapur District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of mandamus, declaring the impugned order of the respondent dated 24-09-2004 in his proceedings Memo No.7299/C1/2004, as illegal, arbitrary and contrary to law and further direct the respondent herein to release the petitioner's Bus bearing Registration No.KA.16/4048 from the coverage of Permit No.14/A2/2003 by issuing Clearance Certificate forthwith, enabling the petitioner to cover the said permit with latter model vehicle;

Counsel for the Petitioner :MR.V.NARASIMHA REDDY

Counsel for the Respondent : GP FOR TRANSPORT

The Court at the stage of admission made the following **ORDER** :

The petitioner is an operator of a bus bearing registration No. KA.16/4048. The

petitioner contends that the bus became un-roadworthy and requires major repairs; therefore, he decided to stop the operation of the said vehicle with effect from 30-09-2004 in order to get it repaired effectively. He further contends that since the repairer of the vehicle takes long time, it may cause inconvenience to the traveling public, therefore, he made application to the respondent to release the said vehicle from the coverage of the permit in order to purchase another vehicle and replace it immediately to avoid inconvenience to the traveling public.

In the light of the circumstances explained by the petitioner, there shall be a direction for issuing clearance certificate to the bus bearing No.KA.16/4048 from the coverage of the town service permit No.14/A2/2003 by issuing a clearance certificate and release the vehicle for a period of three months. If the petitioner fails to replace the bus within three months, the first respondent is at liberty to cancel the permit. The respondents are at liberty to grant temporary permit to any other party in the said route till the petitioner replaces the bus.

The Writ Petition is accordingly disposed of. No order as to costs.

_____

Dr. G. Yethirajulu, J.

Dt:5th October, 2004.

Rns.

To

1. Regional Transport Officer & Secretary,

Regional Transport Authority,
Anantapur, Anantapur District.

2. Two CCs to G.P.for Transport, High Court

of A.P.,Hyderabad.(OUT),

3.Two CD copies